

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STONEBRIDGE HOMEOWNERS
ASSOCIATION, a Washington non-
profit corporation,

Plaintiff,

v.

OREGON MUTUAL INSURANCE
COMPANY, an Oregon corporation, and
DOE INSURANCE COMPANIES 1-10
,

Defendants.

OREGON MUTUAL INSURANCE
COMPANY, an Oregon corporation,

Counter Claimant,

v.

STONEBRIDGE HOMEOWNERS
ASSOCIATION, a Washington non-
profit corporation,

Counter Defendant.

CASE NO. 2:22-cv-1101

ORDER GRANTING PLAINTIFF'S
MOTION FOR LEAVE TO AMEND

1 This matter comes before the Court on Plaintiff and Counter Defendant
2 Stonebridge Homeowners Association's motion for leave to amend. Dkt. No. 23.
3 Defendant and Counter Claimant Oregon Mutual Insurance Company did not
4 respond, which the Court considers an "admission that the motion has merit." LCR
5 7(b)(2); *see* Dkt.

6 Courts "freely give leave [to amend a pleading] when justice so
7 requires." Fed. R. Civ. P. 15(a)(2). As a result, courts generally grant leave to amend
8 "[i]n the absence of any apparent or declared reason—such as undue delay, bad
9 faith or dilatory motive on the part of the movant, repeated failure to cure
10 deficiencies by amendments previously allowed, undue prejudice to the opposing
11 party by virtue of allowance of the amendment, futility of amendment, etc. . .
12 ." *Foman v. Davis*, 371 U.S. 178, 182 (1962). Prejudice carries the greatest weight in
13 the Court's analysis. *See Eminence Cap., LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1052
14 (9th Cir. 2003). "Absent prejudice, or a strong showing of any of the remaining
15 *Foman* factors, there exists a *presumption* under Rule 15(a) in favor of granting
16 leave to amend." *Id.*

17 Under the Court's scheduling order, the deadline to seek leave to amend is
18 March 11, 2024. Dkt. No. 22. Stonebridge argues no prejudice will result from
19 amendment because adding an Insurance Fair Conduct Act cause of action will not
20 "involve a change of tactics that will create undue difficulty for [Oregon Mutual]"
21 and because the case is still in early stages given that depositions have not yet
22 taken place. Dkt. No. 23 at 6-7. Oregon Mutual raises no argument to the contrary.

1 Because Stonebridge's motion is timely and there is no prejudice to Oregon
2 Mutual, the Court GRANTS Stonebridge leave to file a first amended complaint.
3 Dkt. No. 23. The Court directs Stonebridge to file its first amended complaint in the
4 form of the amended pleading attached to its motion as Exhibit A within ten days of
5 this order.

6
7 Dated this 13th day of December, 2023.

8 

9 _____
10 Jamal N. Whitehead
11 United States District Judge
12
13
14
15
16
17
18
19
20
21
22
23